

**U.S. Department of Labor
Office of the Solicitor**

201 Varick Street, Room 983
New York, NY 10014
Fax: (646) 264-3660



July 17, 2023

VIA ECF

The Honorable Paul G. Gardephe
United States Courthouse
40 Foley Square
New York, NY 10007

**RE: *SU v. Festim Halilaj*, 1:23-mc-00204
Administrative Subpoena Enforcement and Proposed Consent Order**

Dear Judge Gardephe,

In accordance with this Court's July 12, 2023 Order (Dkt. 21), the parties respectfully write to update the Court on the status of the above-captioned subpoena enforcement matter.

Defendant Festim Halilaj did not appear before OSHA on July 7, 2023 as ordered by Dkt. No. 16. The Acting Secretary asserts that sufficient notice was provided via email to the email address on Mr. Halilaj's public company website, via mail to the address that Mr. Halilaj provided the Yonkers' Police Department, and via mail to the address listed on Mr. Halilaj's public company website. Mr. Vozza, counsel for Respondent, denies that the Acting Secretary provided Mr. Halilaj with sufficient notice of the order, as he asserts that Respondent resides at a third address. Mr. Vozza has provided this address to counsel for the Acting Secretary, stating that Mr. Halilaj can properly be reached at:

11 Vera Road
Yonkers, NY 10708

Regardless, the parties have agreed to a Proposed Consent Order, which we are submitting with this letter. Mr. Halilaj will testify in accordance with the subpoena *ad testificandum* at the OSHA Tarrytown Office, located at 660 White Plains Rd, Tarrytown, NY 10591, on July 20, 2023 at 1 p.m. OSHA will procure a stenographer and Albanian translator. Questioning will focus on the fatality, conditions at the worksite, conditions on the worksite on the day of the fatality, safety practices on the worksite, safety practices on the worksite on the day of the fatality, and company safety practices.

Because the parties have agreed to the Proposed Consent Order, and in order to conserve judicial resources, the parties respectfully request that this Court adjourn the conference to discuss this matter that is currently scheduled for July 20, 2023 at 12:30 p.m.

Respectfully submitted,

Jeffrey S. Rogoff
Regional Solicitor

BY: /s/ Audrey Marie Winn
Audrey Marie Winn
Trial Attorney

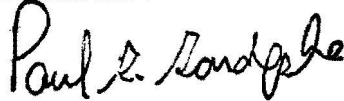
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201 Varick Street, Room 983
New York, NY 10014
Attorneys for Plaintiff

/s/ Rocco Voza
Rocco Voza
Counsel for Respondent

977 Sackett Ave.
Bronx, NY 10462
914-260-1474 p
914-222-0200 f
RoccoVoza@yahoo.com

MEMO ENDORSED: The conference scheduled for July 20, 2023 is adjourned sine die. The parties will file a joint letter indicating whether Respondent testified before OSHA in accordance with the consent order by July 24, 2023.

SO ORDERED.



Paul G. Gardephe
United States District Judge

Date: July 19, 2023